

Notice of Allowability

Application No.

09/881,747

Examiner

Michael C. Miggins

Applicant(s)

LASSON ET AL.

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/7/03.
2. ☒ The allowed claim(s) is/are 6-15 (now claims 1-10)
3. ☐ The drawings filed on _____ are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 08/188,417.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____
5. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
 - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No. _____.
 - (b) ☐ including changes required by the proposed drawing correction filed _____, which has been approved by the Examiner.
 - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|--|--|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892) | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6 <input checked="" type="checkbox"/> Interview Summary (PTO-413), Paper No. <u>12102003</u> |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No. _____ | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9 <input type="checkbox"/> Other |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Marina Schneller on 12/10/03.

The application has been amended as follows:

In the claims:

In claim 6, line 1, after "... A pipe ..." and before "... at least one layer ..." the term "... including ..." has been deleted and the term "- - comprising - -" has been inserted in place thereof.

In claim 6, line 2, after "... fluorocopolymer, ..." and before "... the ..." the phrase "... where in ..." has been deleted and the term "- - wherein - -" has been inserted in place thereof.

In claim 6, at the end of line 3, after "... comprises, by ..." the phrase "... weight; ..." has been deleted and the phrase "- - weight: - -" has been inserted in place thereof.

In claim 6, at the end of line 5, after "... thermoplastic semicrystalline ..." the phrase "- - and nonelastomeric - -" has been inserted.

In claim 7, lines 1-2, after "... shaped article ..." and before "... a PVDF homopolymer ..." the phrase "... consisting totally or partially of a composition^v..." has

comprising

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12/15/03*

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been deleted and the phrase "- - comprising at least one layer, wherein the layer comprises a composition, and wherein the composition comprises - -" has been inserted in place thereof.

In claim 7, line 2, after "... fluorocopolymer, ..." and before "... the ..." the phrase "... where in ..." has been deleted and the term "- - wherein - -" has been inserted in place thereof.

In claim 7, at the end of line 3, after "... comprises, by ..." the phrase "... weight; ..." has been deleted and the phrase "- - weight: - -" has been inserted in place thereof.

In claim 7, at the end of line 5, after "... thermoplastic semicrystalline ..." the phrase "- - and nonelastomeric - -" has been inserted.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance:

With regard to claims 6 and 7, the reason for allowance is applicant's recited shaped article, or pipe (claim 7), comprising at least one layer, wherein the layer comprises a composition, and wherein the composition comprises approximately from 20 to 40% of at least one thermoplastic semicrystalline and nonelastomeric copolymer of vinylidene fluoride (VF₂) and of at least one other fluoromonomer, present in this copolymer in weight proportions of approximately 5 to 25%, and approximately from 5 to 20%, relative to the totally weight of polymers (A) and (B), of a monomeric or polymeric plasticizer. The prior art does not teach applicant's recited shaped article.

The closest prior art Sademitsu et al. in view of Trautvetter et al. and Whiton teach a shaped article, or pipe (claim 7), comprising at least one layer, wherein the layer comprises a composition, and wherein the composition comprises approximately from 20 to 40% of at least one thermoplastic copolymer of vinylidene fluoride (VF₂) and of at least one other fluoromonomer, present in this copolymer in weight proportions of approximately 5 to 25%, and approximately from 5 to 20%, relative to the totally weight of polymers (A) and (B), of a monomeric or polymeric plasticizer. However, none of the references teach approximately from 20 to 40% of at least one thermoplastic semicrystalline and nonelastomeric copolymer of vinylidene fluoride (VF₂). Furthermore, Trautvetter et al. specifically teach against the inclusion of an internal or external plasticizer (see Trautvetter et al., column 1, lines 38-42). Thus there is no motivation to combine the references, specifically Trautvetter and Whiton, in a way to arrive at applicant's invention.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Miggins whose telephone number is (703) 305-0915. The examiner can normally be reached on Monday-Friday; 1:30-10:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Pyon Harold can be reached on (703) 308-4251. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

MCM *mc*
December 10, 2003

[Signature]
HAROLD PYON
SUPERVISORY PATENT EXAMINER
1012

12/12/03